

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SAM SOHN,
 Plaintiff,

v.

CALIFORNIA HOUSING FINANCING
 AGENCY, et al.,
 Defendants.

Case No. 20-cv-03780-BLF

ORDER ADOPTING REPORT AND
 RECOMMENDATION; DISMISSING
 FIRST AMENDED COMPLAINT WITH
 LEAVE TO AMEND; AND GRANTING
 PLAINTIFF’S REQUEST FOR
 EXTENSION OF TIME TO FILE
 SECOND AMENDED COMPLAINT

[Re: ECF 10]

The Court has reviewed the Report and Recommendation (“R&R”) of Magistrate Judge Virginia K. DeMarchi, recommending that the Court dismiss Plaintiff’s first amended complaint with leave to amend. *See* R&R, ECF 10. The Court finds the R&R to be correct, well-reasoned and thorough. In particular, the Court agrees with Judge DeMarchi’s conclusion that Plaintiff’s sole claim for relief, asserted under 42 U.S.C. § 1985, fails to state a claim upon which relief may be granted. The Court also agrees with Judge DeMarchi’s recommendation that Plaintiff be granted an opportunity to amend her § 1985 claim.

Judge DeMarchi extended Plaintiff’s deadline for objecting to the R&R until January 29, 2021 in light of Plaintiff’s *pro se* status and the COVID-19 public health emergency. *See* R&R at 6. On January 15, 2021, Plaintiff filed a document titled, “Requesting Extension of Time to File the Objection and to File Second Amended Complaint” (“Request for Extension”). Request for Extension, ECF 13. Plaintiff seeks an extension of 120 days to “file objection and to file the second amended complaint.” *Id.* Plaintiff states that the requested extension is necessary because English is her second language, she wishes to locate an attorney, and she is disabled. *Id.*

The Court construes Plaintiff's Request for Extension as a timely response to the R&R. Because Plaintiff's wish to file a second amended complaint is consistent with the R&R, and because the Court finds the R&R to be correct and well-reasoned, the Court hereby ADOPTS the R&R in full, and DISMISSES the first amended complaint WITH LEAVE TO AMEND. Leave to amend is limited to the defects in the § 1985 claim pled in the first amended complaint. Plaintiff may not add new claims or parties without first obtaining leave of the Court.

The Court GRANTS Plaintiff's request for a 120-day extension of time to file a second amended complaint. Plaintiff's second amended complaint must be filed on or before May 25, 2021.

The Court notes that Judge DeMarchi encouraged Plaintiff to contact the Court's Federal Pro Se Program for assistance. This Court also encourages Plaintiff to contact the Program. Information regarding the Program can be found at <https://www.cand.uscourts.gov/pro-se-litigants/the-federal-pro-se-program-at-the-san-jose-courthouse/>. The Program currently does not hold in-person appointments but continues to assist self-represented litigants through telephone appointments, Monday to Thursday, 9:00 am to 4:00 pm. Appointments may be scheduled by calling (408) 297-1480.

ORDER

Accordingly, the Court ORDERS the following:

- (1) The R&R issued by Judge DeMarchi is ADOPTED in full.
- (2) Plaintiff's first amended complaint is DISMISSED WITH LEAVE TO AMEND. Leave to amend is limited to the defects in the § 1985 claim pled in Plaintiff's first amended complaint. Plaintiff may not add new claims or parties without first obtaining leave of the Court.
- (3) Plaintiff's request for a 120-day extension of time to file a second amended complaint is GRANTED. Plaintiff's second amended complaint must be filed on or before May 25, 2021.

Dated: January 25, 2021


BETH LABSON FREEMAN
United States District Judge